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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DIANA ACOSTA,

Plaintiff,

v.

**USAA CASUALTY INSURANCE
COMPANY;** a foreign corporation ;DOES
II-X, inclusive, ROE CORPORATIONS
XI-XX, inclusive,

Defendants.

Civil Action No. 2:22-cv-01564

**STIPULATION TO DISMISS
PLAINTIFF'S SECOND, THIRD
AND FOURTH CAUSES OF
ACTION AND REQUEST FOR
EXEMPLARY DAMAGES AND
ATTORNEY'S FEES WITHOUT
PREJUDICE**

USAA Casualty Insurance Company ("Defendant") and Diana Acosta ("Plaintiff" and together with Defendant, collectively referred to as the "Parties") hereby stipulate as set forth below:

Defendant filed a Motion to Dismiss on September 23, 2022. ECF No. 6. Plaintiff filed a response to the Motion to Dismiss ("Opposition") on October 6, 2022. ECF No. 8. Defendant filed its Reply in Support of its Motion to Dismiss on October 18, 2022. ECF No. 12. Thereafter, the Parties agreed to resolve the Motion as follows: Plaintiff agreed to dismiss her second, third, and fourth causes of action and strike her request for exemplary damages and attorney's fees, *without prejudice*. As such, the Parties agree: (1) Plaintiff's only remaining cause of action is her first cause of action for breach of contract and (2) Defendant's Motion to Dismiss, ECF No. 6, is now moot.

The Parties further agree that USAA CIC shall answer Plaintiff's breach of contract cause of action by November 1, 2022.

Dated this 19th day of October, 2022. Dated this 19th day of October, 2022.

HICKS & BRASIER, PLLC

SPENCER FANE LLP

By: /s/ Charles Jackson
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ORDER

IT IS SO ORDERED.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 20th day of October, 2022.